

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MATTHEW STEVEN WILSON,

Plaintiff,

v.

FBI NICS,

Defendant.

NO: 1:14-CV-3023-TOR

ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT WITH LEAVE TO
RENEW

BEFORE THE COURT is Plaintiff's Motion for Default Judgment (ECF No. 13). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, and is fully informed.

DISCUSSION

Motions for entry of default and default judgment are governed by Federal Rule of Civil Procedure 55. Rule 55(a) provides that the clerk must enter default "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." Fed. R. Civ. P. 55(a).

1 Ordinarily, a defendant has twenty-one (21) days within which to file an
2 answer after being served with a copy of the summons and complaint. Fed. R. Civ.
3 P. 12(a)(1)(A). When the defendant is the United States or one of its agencies,
4 officers or employees sued in their official capacities, however, the defendant is
5 afforded sixty (60) days from the date of service within which to file an answer.
6 Fed. R. Civ. P. 12(a)(2). The Court's review of the file indicates that Defendant
7 may have been properly served on June 9, 2014. *See* ECF No. 12. Assuming that
8 service of process was properly effectuated on that date, Defendant would have
9 until August 8, 2014, to file an answer. Accordingly, Plaintiff's motion for entry
10 of default judgment is premature. The motion is denied with leave to renew at a
11 later date.

12 **IT IS HEREBY ORDERED:**

13 Plaintiff's Motion for Default Judgment (ECF No. 13) is **DENIED** with
14 leave to renew. Because the motion filed at ECF No. 13 contains privacy protected
15 information subject to Fed. R. Civ. P. 5.2, it shall be **SEALED**.

16 The District Court Executive is hereby directed to enter this Order and
17 provide a copy to Plaintiff at his address of record.

18 **DATED** July 22, 2014.



Thomas O. Rice
THOMAS O. RICE
United States District Judge